

ORDINANCE NO. 51 -2008

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 14<sup>th</sup> day of April A. D. 20 08. Witness my hand and seal of the said City this 16<sup>th</sup> day of April A. D. 20 08.

CITY CLERK

**AN ORDINANCE AMENDING CHAPTER 20 PART 1 SOLID WASTE OF THE CITY OF READING CODIFIED ORDINANCES BY DEFINING THE TERM LIMIT OF THE MEMBERS OF THE SOLID WASTE BOARD OF APPEALS**

**THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1:** Chapter 20 Part 2 of the City of Reading Codified Ordinances is hereby amended as follows:

§20-107 Administrative Provisions is amended to read as follows:

**1. AUTHORIZED RETRIEVAL AND RESPONSIBILITY THEREFORE**

A. **ABATEMENT AND COSTS / BILLING.** The City of Reading contractor for curbside trash removal is authorized to pick up, abate and/or remove violations of this Ordinance including but not limited to items not picked up by the properties contracted hauler, placement of bags for retrieval in excess of that permitted, dumping or items placed improperly. The City of Reading contractor for curbside trash removal shall obtain documentation of such violations and note the address thereof prior to retrieval of said violations. The contractor shall report the violations, provide proof thereof and the fact of their retrieval to the Manager or his/her designee City of Reading Solid Waste Division and/or Code Official assigned to the area from the violation was retrieved. The contractor shall additionally issue a bill to the City of Reading for the retrieval of the violations noting the date and address of the same. The City of Reading shall then issue a bill to the owner of the property from where the violation was retrieved for the costs it incurred to abate the violation. The City of Reading's contractor's removal of the violation and issuance of the City of a bill therefore shall not be exclusive remedy for abatement of such violations. The City reserves the right to undertake any additional action for such violation including but not limited commencing any appropriate legal action to recover costs for the abatement and/or commencement of penalty proceedings as set forth herein.

**B. MEANS OF APPEAL**

1. Application for Appeal. Any person aggrieved by the aforesaid procedure to abate, bill and collect costs for abatement of violation of this Ordinance as set

forth above in section 20-107 (1) (A) shall have the right to appeal to the Solid Waste and Recycling Appeals Board provided that a written application for appeal is filed within twenty (20) days after issuance of the bill for collection of costs for abatement of violation of this Ordinance per above. An application for appeal shall be on a form prepared and provided by the City. An administrative fee of Twenty-Five Dollars (\$ 25.00) shall be charged for each appeal.

2. Membership of Board. The board of appeals shall consist of two members of City Council and three citizens of Reading who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The Solid Waste and Recycling Manager shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the governing body, and shall serve staggered and overlapping terms. The term for citizen appointees shall be for a period of three years.

2.1 Chairman. The board shall annually select one of its members to serve as chairman.

2.2 Disqualification of Member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

2.3 Secretary. The City Clerk shall serve as Secretary to the Board. A detailed record of all proceedings will be filed in the office of the City Clerk for the City of Reading.

2.4 Quorum. A quorum shall consist of not less than two-thirds of the board membership.

3. Notice of Meeting. The Solid Waste and Recycling Appeals Board of Appeals shall meet upon notice from the chairman, within ten (10) days of the filing of an appeal, or at stated periodic meetings.

4. Open Hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Solid Waste and Recycling Manager and any person whose interests are affected shall be given an opportunity to be heard in accordance with speaking rules defined by the Board.

5. Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

6. Postponed Hearing. When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

7. Board Decision. The board shall modify or reverse of the City's enforcement officer only by a concurring vote of a majority of the total number of appointed board members.

7.1 Records and Copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Solid Waste and Recycling Division Manager.

7.2 Administration. The Solid Waste and Recycling Division Manager shall take immediate action in accordance with the decision of the board.

8. Court Review. Any party to the appeal to the Board shall have to the appeal the decision of the Board to the appropriate court of jurisdiction the manner and time required by law following the filing of the decision in the office of the City Clerk of the City of Reading.

9. Stays of Enforcement. Appeals of decisions of the Board shall stay the enforcement and collection of the bill for costs of abatement of violation of this Ordinance as provided for in §20-107(1) (A).

**SECTION 2:** All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended shall remain in full force and effect.

**SECTION 3:** If any section, subsection, sentence, or clause of this ordinance is held, for any reason to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

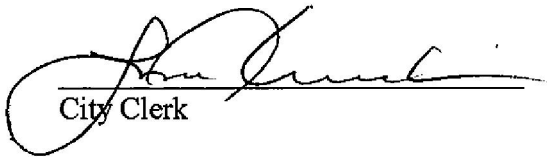
**SECTION 4:** This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted


April 14, 2008

Council President

Attest:

  
City Clerk


(Council Staff)

Submitted to Mayor: 

Date: 4-15-08

Received by the Mayor's Office: ms

Date: 4-15-08

Approved by Mayor: 

Date: 4/16/08

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_